

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

RICHARD TREVINO,

Plaintiff,

vs.

WOODBURY COUNTY JAIL,
LIEUTENANT PHILLIPS and CARLOS
LNU,

Defendants.

No. C14-4051-MWB

**ORDER REGARDING REMAND
ORDER TO DETERMINE
PLAINTIFF'S *IN FORMA PAUPERIS*
STATUS**

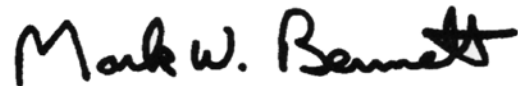
This case is before me on the Eighth Circuit Court of Appeals's limited remand to determine plaintiff Richard Trevino's *in forma pauperis* status and to assess the appellate filing fee (docket no. 28). I previously granted Trevino *in forma pauperis* status. Accordingly, Trevino is eligible to proceed on appeal *in forma pauperis* and I grant him leave to do so. *See* FED. R. APP. P. 24. Pursuant to the procedure set forth by the Eighth Circuit Court of Appeals in *Henderson v. Norris*, 129 F.3d 481, 484-85 (8th Cir. 1997), Trevino is liable for the \$505.00 appeal fees upon the filing of his notice of appeal. *Henderson*, 129 F.3d at 484; *see also* 28 U.S.C. § 1914(b) (directing Clerk of Court to collect "additional fees only as are prescribed by the Judicial Conference of the United States"). Given the record, Trevino is assessed an initial appellate partial fee of \$5.00, which he is directed to submit immediately to the clerk's office. *See Henderson*, 129 F.3d at 484-85; *see also* 28 U.S.C. § 1915(b)(1). In addition, Trevino is directed to submit monthly payments of 20 percent of the preceding month's income credited to his inmate account until the \$505.00 appeal fees are paid in full. *See* 28 U.S.C. § 1915(b)(2). The agency having custody of Trevino is directed to forward payments from his inmate account

to the clerk's office each time the amount in the account exceeds \$10.00. *See* 28 U.S.C. § 1915(b)(2). The clerk's office is directed to send a copy of this order and the notice of collection of filing fee to the appropriate official at the place where the plaintiff is an inmate.

The clerk's office is directed to forward this matter to the Eighth Circuit Court of Appeals for further disposition.

IT IS SO ORDERED.

DATED this 8th day of June, 2015.

A handwritten signature in black ink that reads "Mark W. Bennett". The signature is written in a cursive, slightly stylized font. The "M" is large and loops around the "a". The "B" is also large and loops around the "e". The signature is positioned above a horizontal line.

MARK W. BENNETT
U. S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF IOWA

TO: WARDEN/ADMINISTRATOR
Federal Correctional Facility, Fort Worth, Texas

NOTICE OF COLLECTION OF FILING FEE

You are hereby given notice that Richard Trevino, #12259-029, an inmate at your facility, has filed an appeal in the United States District Court for the Northern District of Iowa: *Trevino v. Woodbury County Jail et al.*, Case No. C14-4051-MWB. The United States District Court for the Northern District of Iowa has assessed an initial partial filing fee of \$5.00, which the inmate must pay now to the clerk of court. *See* 28 U.S.C. § 1915(b)(1); *see also Henderson v. Norris*, 129 F.3d 481, 484 (8th Cir. 1997).

After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the Clerk of Court each time the amount in the account exceeds \$10 until the filing fees are paid.

28 U.S.C. § 1915(b)(2). If the inmate currently does not have sufficient funds to pay the initial partial filing fee, you must monitor the account and send payments to the clerk's office according to the system provided in 28 U.S.C. § 1915(b)(2).

Please make the appropriate arrangements to have these fees deducted and sent to the court as required under the statute.

/s/ djs, Deputy Clerk

Robert L. Phelps
U.S. District Court Clerk
Northern District of Iowa